UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARTIN FLEISHER, AS TRUSTEE OF THE MICHAEL MOSS IRREVOCABLE LIFE INSURANCE TRUST II and JONATHAN BERCK, AS TRUSTEE OF THE JOHN L. LOEB, JR. INSURANCE TRUST, on behalf of themselves and all others similarly situated, Plaintiff, vs. PHOENIX LIFE INSURANCE COMPANY, Defendant.	Civil Action No. 11-cv-8405(CM) **PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR CLASS CERTIFICATION**

Please take notice that Plaintiffs Martin Fleisher, as Trustee of the Michael Moss Irrevocable Life Insurance Trust II and Jonathan Berck, as Trustee of the John L. Loeb, Jr. Insurance Trust (together, "Plaintiffs") will move this Court before the Honorable Colleen McMahon, United States District Judge, on a date and time to be designated by this Court, at the United States District Court for the Southern District of New York, 500 Pearl St., New York, NY 10007, for an Order certifying this action as a class action on behalf of two Classes, as defined below.

The proposed Classes consists of (1) All owners of flexible-premium "universal life" insurance policies issued by Phoenix Life Insurance Company that were subjected to the Cost of Insurance rate increase announced by Phoenix on or about April 1, 2010 (excluding defendant Phoenix, its officers and directors, members of their immediate families, and the heirs, successors or assigns of any of the foregoing), and (2) All owners of flexible-premium "universal life" insurance policies issued by Phoenix Life Insurance Company that were subjected to the Cost of Insurance rate increase announced by Phoenix on or about November 1, 2011 (excluding defendant Phoenix, its officers and directors, members of their immediate families, and the heirs, successors or assigns of any of the foregoing).

This motion is based upon this Notice, Plaintiffs Memorandum of Law in Support of Plaintiffs' Motion for Class Certification, the declarations of Steven G. Sklaver, Larry N. Stern, Martin Fleisher, and Jonathan Berck attached thereto, filed concurrently herewith, all the pleadings, documents, and records on file herein, and on such other evidence and argument as may be requested or permitted by the Court on this motion.

Dated: January 11, 2013

/s/ Steven G. Sklaver
Steven G. Sklaver

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